



Docket No.: 13173-00003-US  
(PATENT)

1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Martin Klebsattel et al.

Conf. No.: 1456

Application No.: 10/524,971

Group Art Unit: 1645

Filed: February 18, 2005

Examiner: Not Yet Assigned

For: PROCESS FOR THE PRODUCTION OF  
 $\beta$ -CAROTENOIDS

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that a corrected Filing Receipt be issued in the above-identified patent application. The official Filing Receipt received by Applicants, a marked-up copy of which is attached hereto, has an error. The third Foreign Application should be read as follows: "GERMANY 102 58 971.2" instead of "GERMANY 102 38 971.2." A copy of the Declaration, submitted with the initial filing of the application and showing the correct priority data is attached hereto.

Applicants believe no fee is due with this request, however, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13173-00003-US, from which the undersigned is authorized to draw.

Dated: August 31, 2005

Respectfully submitted,

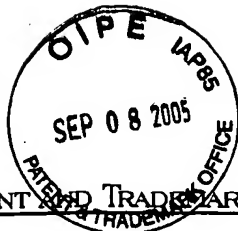
By

Hui-Ju Wu

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UNITED STATES PATENT AND TRADEMARK OFFICE



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| APPL NO.   | FILING OR 371<br>(c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/524,971 | 02/18/2005                | 1645     | 2050          | 13173-00003-US  | 11       | 43       | 3        |

CONFIRMATION NO. 1456

23416  
CONNOLLY BOVE LODGE & HUTZ, LLP  
P O BOX 2207  
WILMINGTON, DE 19899

**FILING RECEIPT**



\*OC000000016735447\*

Date Mailed: 08/11/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Martin Klebsattel, Quedlinburg, GERMANY;  
Matt Sauer, Quedlinburg, GERMANY;  
Ralf Flachmann, Quedlinburg, GERMANY;  
Christel Renate Schopfer, Quedlinburg, GERMANY;

**Assignment For Published Patent Application**

SunGene GmbH & Co. KGaA, Gatersleben, GERMANY

**Power of Attorney:** The patent practitioners associated with Customer Number **23416**.

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/EP03/09101 08/18/2003

**Foreign Applications**

GERMANY 102 38 980.2 08/20/2002  
GERMANY 102 38 979.9 08/20/2002  
GERMANY ~~102 38 974.2~~ 12/16/2002

**102 58 971.2**

**Projected Publication Date:** 11/17/2005

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**Method for the production of  $\beta$ -carotinoids**Preliminary Class**

435

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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# Declaration, Power of Attorney and Petition

Page 1 of 3  
0000054755

|              |
|--------------|
| Customer No. |
|--------------|



We (I), the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

☐ is attached hereto.

☐ was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and amended on \_\_\_\_\_

☒ was filed as PCT international application

Number PCT/EP/03/09101

on 18 August 2003,

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

| Application No. | Country | Day/Month/Year   | Priority Claimed  |
|-----------------|---------|------------------|---|
| 10238980.2      | Germany | 20 August 2002   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 10238979.9      | Germany | 20 August 2002   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 10258971.2      | Germany | 16 December 2002 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

We (I) hereby claim the benefit under Title 35, United States Codes, § 119(e) of any United States provisional application(s) listed below.

|                      |               |
|----------------------|---------------|
| _____                | _____         |
| (Application Number) | (Filing Date) |
| _____                | _____         |
| (Application Number) | (Filing Date) |

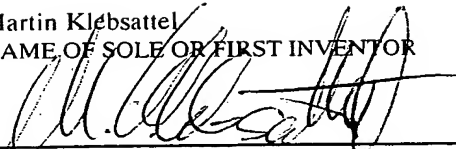
We (I) hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| Application Serial No. | Filing Date | Status (pending, patented, abandoned) |
|------------------------|-------------|---------------------------------------|
| _____                  | _____       | _____                                 |
| _____                  | _____       | _____                                 |
| _____                  | _____       | _____                                 |

And we (I) hereby appoint **CONNOLLY BOVE LODGE & HUTZ LLP**, The Nemours Building, 1007 North Orange Street, Wilmington, DE 19899, (telephone 302 658 9141; FAX 302 658 5614), our attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to sign the drawings, to receive the patent, and to transact all business in the Patent Office connected therewith.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Signature of Inventor

Date 11. Sep. 2003

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Ralf Flachmann  
NAME OF THIRD JOINT INVENTOR

  
\_\_\_\_\_  
Signature of Inventor

Date 11. Sep. 2003

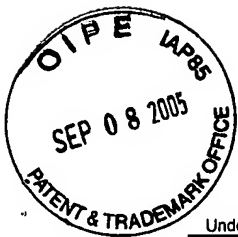
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Application No. (if known): 10/524,971

Attorney Docket No.: 13173-00003-US

## Certificate of Mailing under 37 CFR 1.8

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on September 1, 2005  
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